



Department of Energy
Office of Legacy Management

August 30, 2007

Mr. James A. Saric, Remedial Project Director
U.S. Environmental Protection Agency
Region V-5HSF-5J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Mr. Thomas A. Schneider
Ohio Environmental Protection Agency
401 East 5th Street
Dayton, Ohio 45402

Dear Mr. Saric and Mr. Schneider:

**SUBJECT: CONTINUED APPLICATION OF THE PERMIT EXEMPTION AT THE
FERNALD PRESERVE**

- References: 1) Letter DOE-1055-95, Jack Craig to James Saric and Tom Schneider "Compliance with Permit Related Substantive Regulatory Requirements for Fernald Environmental Management Project Remedial Actions," dated June 12, 1995
- 2) Letter James Saric to Jack Craig, "Permit-Related Regulatory Requirements," dated July 11, 1995
- 3) Letter, Thomas Schneider to Jack Craig, "Approval – Permit-Related Substantive Requirements Compliance Approach," dated July 27, 1995.

The Department of Energy (DOE) needs to clarify the environmental permitting requirements and the applicability of the associated permitting exemptions allowed under CERCLA 121(e)(1) during legacy management of the Fernald Preserve. While new installations at the Fernald Preserve are not anticipated to frequently occur, a new on-site wastewater treatment system in support of the new Fernald Preserve Visitors Center is being planned to be installed in 2008. This system will likely be either a conventional septic/leach field system or a system that implements a treatment wetland. The on-site wastewater treatment system will support the educational and outreach component of the institutional controls intended by the existence of the Visitors Center.

Mr. James A. Saric
Mr. Thomas A. Schneider
Page 2

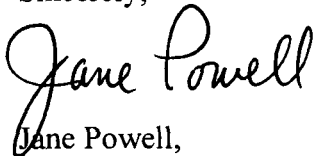
The DOE and the Environmental Protection Agencies have been operating under an understanding, formalized by letter in June 1995 (Reference 1) and approved by both U.S. EPA and Ohio EPA (References 2 and 3), in which the need to secure administrative permits for removal or remedial actions would not be required provided the substantive requirements of the administrative permits were met.

The DOE believes this exemption from securing administrative permits still applies at the Fernald Preserve. While remedial actions associated with Operable Units 1 through 4 have been completed, the DOE continues to implement the Operable Unit 5 remedy, namely the continuing operation of the groundwater remedy, the care, maintenance and monitoring of the On-Site Disposal Facility, and the maintenance of institutional controls.

The DOE requests your concurrence that the permitting exemption continues to apply to these specific activities. New installations will be submitted for review as before and will be accompanied by a crosswalk indicating how the substantive requirements of the environmental permit have been met.

If you have any questions, please call me at (513) 648-3148.

Sincerely,



Jane Powell,
Fernald Site Manager
DOE-LM-20.1

cc: M. Cullerton, Tetra Tech.
J. Erickson, Stoller
F. Johnston, Stoller
M. Murphy, USEPA-V, A-18J
J. Reising, DOE-EM
M. Shupe, HSI GeoTrans
M. Sizemore, Stoller
Project Record File FER 510.10(A) (thru W. Sumner)
Administrative Records (thru W. Sumner)